

**FORM B: BLANK INTERVENOR COMPENSATION CLAIM**Decision 16-06-055**FILED**8-26-16
12:24 PM**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues..	R.12-11-005 (Filed November 8, 2012)
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**INTERVENOR COMPENSATION CLAIM OF Sierra Club
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF Sierra Club**

NOTE: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD, supporting EXCEL Timesheets, and any other supporting documents to the Intervenor Compensation Program Coordinator at Icompcoordinator@cpuc.ca.gov.

Intervenor: Sierra Club	For contribution to Decision (D.) 16-06-055
Claimed: \$10,201	Awarded: \$
Assigned Commissioner: Picker	Assigned ALJ: Michelle Cooke/Regina DeAngelis
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
Signature:	/s/ Matthew Vespa
Date: 08/26/2016	Printed Name: Matthew Vespa

PART I: PROCEDURAL ISSUES (to be completed by Intervenor except where indicated)

A. Brief description of Decision:	D.16-06-055 ("Decision") made several significant changes to the Self-Generation Incentive Program ("SGIP") pursuant to its Legislative reauthorization under SB 861 and AB 1478. Changes including reserving a higher percentage of SGIP incentives for energy storage, reserving a percentage of incentive funding for renewable generation projects, requiring an increased level of biogas blending for non-renewable generation projects, and changes to the incentive
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	structure and lottery system for incentive awards.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	03/13/2013	
2. Other specified date for NOI:	01/10/2016 (see Note #1)	
3. Date NOI filed:	12/22/2015	
4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.14-02-001	
6. Date of ALJ ruling:	July 25, 2014	
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.14-02-001	
10. Date of ALJ ruling:	July 25, 2014 (see Note #2)	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-06-055	
14. Date of issuance of Final Order or Decision:	07/01/2016	
15. File date of compensation request:	08/26/2016	
16. Was the request for compensation timely?		

C. Additional Comments on Part I (use line reference # as appropriate):

#	Intervenor's Comment(s)	CPUC Discussion
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1	The last prehearing conference in this proceeding was on March 13, 2013, well before Sierra Club's engagement in SGIP reform. On December 11, 2015, an Amended Ruling and Scoping Memo was issued which allowed any party that expects to request intervenor compensation for its participation in R.12-11-005 to file an NOI within 30 days.	
2	As noted in Sierra Club's NOI, Sierra Club has not received a finding of significant hardship within a year of filing its NOI.	

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. Eliminate/Reduce Public Subsidy for Fossil-Fuel Resources: As an \$83 million ratepayer funded incentive program, Sierra Club's primary aim in this proceeding was to reform SGIP to end/eliminate continued subsidy of fossil-fuel reliant technologies given the disconnect between California's aggressive decarbonization goals and subsidization of fossil-fueled resources. Sierra Club began this effort during the update to SGIP's GHG eligibility threshold (Sierra Club is not seeking compensation for this work because it predated the NOI) and continued with supportive comments on Energy Division's Staff	<p>"CESA, Green Charge Networks, CALSEIA, Tesla, Sierra Club, and Juicebox support the staff recommendation to exclude natural gas fueled electric-only fuel cells and microturbines from SGIP, generally citing the market transformation, STRC, and environmental performance findings of the Cost-Effectiveness Study." (Decision p. 16)</p> <p>"While Staff Proposal's recommendation to keep electric-only fuel cells out of the Program is not adopted, it is reasonable to significantly weigh incentives in the budget towards energy storage [sic] in light of the program's goals of reducing GHGs, providing grid support and enabling market transformation." (Finding of Fact 14 (p. 66))</p>	

<p>Proposal, which recommended eliminating SGIP funding for various fossil-fueled technologies. (Sierra Club and NRDC Opening Comments on Energy Division Staff Proposal, Jan. 7, 2016; Reply Comments on Energy Division Staff Proposal, Jan. 22, 2016).</p> <p>The Proposed Decision ultimately allowed fossil-fueled technologies to receive SGIP funding, but limited generation technologies to 25% of total SGIP funds. In PD comments, Sierra Club argued the percent reserved for renewable generation technologies should increase from 2.5 percent of the total program budget to 10 percent of the total program budget (or from 10 to 40 percent of the budget for generation technologies). (Sierra Club Opening Comments on PD, June 6, 2016). This change was incorporated into the final decision.</p>	<p>“A 40% set aside within the generation technology category represents a guaranteed level of funding that balances the important goal of supporting market transformation and enhancing GHG reductions while not creating too much of a disadvantage for non-renewable generation technologies.” (Decision p. 24)</p>	
<p>2. Limit Use of Directed Biogas/Provide Protections Against Potential Gaming: In considering potential SGIP reform, the Commission sought comments on requiring a minimum level of biogas for non-renewable generation technologies to qualify for SGIP funding. Sierra Club expressed significant concerns around verifying the additionality of GHG reductions from directed</p>	<p>“In comments, ORA and Sierra Club raised concerns that the biogas requirement could be used as a tool to diminish the GHG performance standard adopted in D.15-11-027 and proposed requiring that all generators be required to meet the GHG performance standard regardless of whether the system utilizes biogas....Given the primacy of GHG reductions within SGIP, as well as the acknowledged challenges associated with verifying directed biogas utilization, it would not be prudent to diminish the GHG performance standard</p>	

<p>biogas and recommended restricting use of biogas to on-site applications. (Sierra Club Reply Comments on ACR Seeking Additional Information on SGIP Eligibility, Mar. 15, 2016). The PD required increased directed biogas for non-renewable generation technologies. To limit gaming around use of directed biogas and maximize GHG benefits, in comments on the PD, Sierra Club sought to require generation technologies to meet the GHG SGIP eligibility threshold without relying on directed biogas and to limit directed biogas to in-state production to better ensure additionality and verifiability. The Decision made this clarification and recommended steps to ensure verifiability of GHG reductions from directed biogas.</p>	<p>by counting fuel mix towards the achievement of the GHG performance standard.” (Decision pp. 21-22)</p> <p>“ORA and Sierra Club’s proposal to require all generators be able to meet the GHG performance standard regardless of whether the system utilizes biogas is adopted.” (Finding of Fact 12).</p> <p>“We remain concerned about the low rates of directed biogas project compliance detailed in SGIP evaluation reports. To ensure that these projects are generating incremental, verifiable, GHG reductions, we authorize Energy Division to investigate the development of a tracking system. Additionally, we note that the Program Administrators may differentiate the preferred treatment of on-site biogas projects versus directed biogas projects in their Advice Letter filing recommending implementation details on the lottery system. As in-state biogas projects generate additional economic and local environmental benefits they may merit higher priority than out-of-state directed biogas.” (Decision p. 19)</p>	

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: Office of Ratepayer Advocates, Energy		

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

Storage Providers (Issue 1). ORA (Issue 2).	
d. Intervenor’s claim of non-duplication: Sierra Club provided an additive environmental perspective to a proceeding that involved issues of public subsidy and its relationship to State climate goals. Sierra Club coordinated with ORA, and filed jointly with Natural Resources Defense Council to minimize duplication from environmental stakeholders.	

C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Intervenor’s Comment	CPUC Discussion

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Intervenor except where indicated)

A. General Claim of Reasonableness (§ 1801 and § 1806):

a. Intervenor’s claim of cost reasonableness: In this proceeding, Sierra Club sought to improve public trust in SGIP and better align the program with California’s environmental goals. Changes made to SGIP, which include significantly reduced incentives to fossil generation and better protections on use of directed biogas, improve the efficacy and benefits of this \$83 million/year incentive program. Sierra Club was focused on environmental issues in this proceeding and its costs were approximately \$10,000. Sierra Club believes SGIP is now a much improved program and that the benefits obtained by Sierra Club far exceed the cost of Sierra Club’s participation in the proceeding. Sierra Club’s claim should be found to be reasonable.	CPUC Discussion
b. Reasonableness of hours claimed: Sierra Club focused on issues of key concern and in doing so, spent a limited number of hours in this proceeding. In addition, Sierra Club had been active in an earlier SGIP decision, the determination of the GHG eligibility threshold, but is not seeking compensation for that time because Sierra Club’s work predated the opportunity for Sierra Club to submit an NOI. By virtue of Sierra Club’s earlier participation, Sierra Club was well-informed of the issues to be raised in this decision and was able to respond and comment efficiently.	
c. Allocation of hours by issue: 1) Fossil Fuel Limits: 41.2% 2) Directed Biogas: 33.3% 3) General: 25.5%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Matt Vespa	2016	26.7	350	See Comment #1	9,345			
[Expert 2]								
[Advocate 1]								
[Advocate 2]								
Subtotal: \$ 9,345						Subtotal: \$		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
[Person 1]								
[Person 2]								
Subtotal: \$						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Matthew Vespa	2015	1.9	165	½ Full Rate	313.50			
Matthew Vespa	2016	3.1	175	½ Full Rate	542.50			
Subtotal: \$ 856.00						Subtotal: \$		
COSTS								
#	Item	Detail			Amount	Amount		
TOTAL REQUEST: \$ 10,201						TOTAL AWARD: \$		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								

Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Matthew Vespa	2002	222265	No

C. Attachments Documenting Specific Claim and Comments on Part III (Intervenor completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
Comment # 1	Mr. Vespa was awarded a 2016 rate of \$350/hr in D.16-05-046.
Attachment 1	Certificate of Service
Attachment 2	Time Sheets for Matt Vespa
Attachment 3	Compilation Chart of Percentages of Time by Issue

D. CPUC Disallowances and Adjustments (CPUC completes):

Item	Reason

PART IV: OPPOSITIONS AND COMMENTS
 Within 30 days after service of this Claim, Commission Staff
 or any other party may file a response to the Claim (see § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the Claim?	
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If so:

Party	Reason for Opposition	CPUC Discussion

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Intervenor [has/has not] made a substantial contribution to D._____.
2. The requested hourly rates for Intervenor's representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$_____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Intervenor is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay Intervenor the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated."] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75th day after the filing of Intervenor's request, and continuing until full payment is made.
3. The comment period for today's decision [is/is not] waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

**Attachment 1:
Certificate of Service by Customer**

(Filed electronically as a separate document pursuant to rule 1.13(b)(iii))

(Served electronically as a separate document pursuant to Rule 1.10(c))

I hereby certify that I have this day served a copy of the foregoing **INTERVENOR
COMPENSATION CLAIM OF [Intervenor's Name] AND DECISION ON
INTERVENOR COMPENSATION CLAIM** by (check as appropriate):

- ☐ hand delivery;
- ☐ first-class mail; and/or
- ☐ electronic mail

to the following persons appearing on the official Service List:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], [year], at [city], California.

[Signature]

[Typed name and address]

Attachment 2: R.12-11-005 Sierra Club - Time Sheets for Matt Vespa

Date	Description	2) Verification and Limits to			Total
		1) Eliminate/Reduce Fossil Fuel Subsidies	Directed Biogas	3) General	
	Review Staff Proposal, Itron 2015 Cost-Effectiveness Report, Issue Spot/Outline Comments on				
1/4/2016	Staff Proposal	1.9		1.3	3.2
1/5/2016	Draft Opening Comments on Staff Proposal	0.6		0.5	1.1
	Finalize Opening Comments on Staff Proposal, draft energy storage sections, provide to NRDC				
1/6/2015	for review	2.1		1.2	3.3
1/7/2016	Review, incorporate NRDC comments, final review and edit			0.7	0.7
1/19/2016	Review Opening Comments on Staff Proposal, identify/outline issues for reply	3.3		0.6	3.9
1/21/2016	Draft Reply Comments on Staff Proposal, Coordinate with NRDC	1.5		0.2	1.7
5/17/2016	Review PD, outline areas for response	0.3	0.5	0.7	1.5
5/22/2016	Draft Opening Comments on PD	0.6	0.6	0.2	1.4
5/24/2016	Review Itron Biogas SGIP report; past Biogas comments; ARB Biogas offset rules		1.1		1.1
5/25/2016	Discuss PD with ORA, Biogas issue, research same		0.5		0.5
5/26/2016	Conf call with CSE re PD, biogas issues		0.5		0.5
3/31/2016	Draft PD comments	0.7	1.1	0.2	2
6/1/2016	Review, edit PD comments, draft findings of fact/conclusions of law		1.5		1.5
6/6/2016	Draft, review, edit comments on PD		1.4	0.5	1.9
6/7/2016	Ex Parte Peterman's office to discuss comments on PD		0.5		0.5
6/8/2016	Ex Parte's with Picker, Sandoval, Randolph and Florio office on SGIP PD		1.2		1.2
6/23/2016	Review redlines to Decision; watch Commission vote			0.7	0.7
TOTAL		11	8.9	6.8	26.7
	Icomp Preparation				
12/11/2015	Draft NOI		1.9		
8/25/2016	Prepare iComp Claim, review timesheets		3.1		
TOTAL			5		

R. 12-11-005: Attachment 3 Sierra Club - Compilation of Percentages of Time by Issue

	Issues			TOTAL
	1) Eliminate/Reduce Fossil Fuel Subsidies	2) Verification and Limits to Directed Biogas	3) General	
Matt Vespa	11	8.9	6.8	26.7
Percent of Time	41.2%	33.3%	25.5%	100.0%